

**MINUTES
REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Friday, November 17, 2017
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice-President
Terri Byers-Abston, D.C., Secretary
Michael Seibert, D.C., Member
Jeffery T. Smith, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 5-0 to approve the minutes of the September 29, 2017 board meeting.

ITEM II: FINANCIAL REPORTS

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to approve the financial reports for September and October 2017.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to approve the FY1820 Budget Request. A second motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to accept the Board Office Report.

ITEM IV: ADMINISTRATIVE CASE 14-011

This case is continued. An Administrative Complaint has been filed.

ITEM V: ADMINISTRATIVE CASE 14-027

This case is continued pending the outcome of the criminal case.

ITEM VI: ADMINISTRATIVE CASES 15-037, 17-024

An Administrative Complaint has been filed in this case.

ITEM VII: MOTION TO AMEND AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to amend the agenda to allow Ben Weigel, attorney, to present information to the Board on behalf of his clients in administrative cases 16-005, 17-029, and 17-018. Mr. Weigel presented information to the Board on each of these administrative cases.

ITEM VIII: MOTION FOR CLOSED SESSION

A motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to go into closed session

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to discuss administrative cases 16-005, 17-029 and 17-018 pursuant to KRS 61.810 (1)(j).

ITEM IX: MOTION FOR OPEN SESSION

A motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to go into open session. A second motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 16-005 no action taken at this time; 17-029 shall be dismissed; 17-018 the Board gave Board Counsel parameters for settlement of this case.

ITEM X: MOTION TO AMEND AGENDA TO ADD ITEM
RE: SUSPENSION OF L. ANTHONY SEARS, D.C.

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to amend the agenda to add an item to the agenda. Ben Weigel requested to discuss the suspension of his client, L. Anthony Sears, D.C.. Mr. Weigel made a request to the Board to reconsider Dr. Sears' suspension and reinstate his license with partial time served. No Board action was taken.

ITEM XI: MOTION TO RESUME AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to resume the agenda.

ITEM XII: ADMINISTRATIVE CASE 16-018

An Administrative Complaint has been filed in this case.

ITEM XIII: ADMINISTRATIVE CASE 17-023A, 17-023B and 17-033

In order to address individual licensee's violations more clearly, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to issue individual case numbers to the licensees involved and a separate case number (17-033) to Dr. Miller for his potential violation of Agree Order terms. The Board reviewed Ms. Shackelford's letter outlining the discussion at the previous meeting, and progress made toward compliance in the issues brought to the Board's attention in case 17-023. The Board discussed with Board Counsel a response to Ms. Shackelford's letter. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to offer agreed orders for settlement at the terms discussed. The Board also considered violation of the terms of Dr. Miller's Agreed Order. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to give Board Counsel settlement guidelines, which if not accepted, he may move forward with filing an administrative complaint.

ITEM XIV: ADMINISTRATIVE CASE 17-032

The Board reviewed new information pertaining to this case and a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to offer the licensee an agreed order for settlement of this case.

ITEM XV: REGULATION AMENDMENTS

The Board reviewed information concerning regulation amendments. A motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 5-0 to draft an amendment to 201 KAR 21:045 to include specialties recognized by the American Board of Chiropractic Specialties. A second motion was made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0 to increase the per diem paid to Peer Review Committee members to \$75.00. One last motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to get an estimate for the cost of contracting a person with expertise in regulatory law and regulatory language to do a total review of our regulations.

ITEM XVI: ADMINISTRATIVE CASE 17-028

Upon review of the complaint and the licensee's response, a motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to offer an agreed order for settlement of this case and also to refer this case to the Kentucky Board of Nursing.

ITEM XVII: ADMINISTRATIVE CASE 17-030

The Board reviewed the complaint and the licensee's response. The Board is requesting additional information for review at the following meeting, so this case is continued.

ITEM XVIII: ADMINISTRATIVE CASE 17-031

The Board reviewed Dr. Bee's request for license reinstatement along with the additional information concerning Dr. Bee's actions. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to deny Dr. Bee's request for reinstatement at this time due to fraudulently trying to obtain a license and actions the board feels show insufficient moral turpitude.

ITEM XIX: CONSIDER INITIAL LICENSE APPLICANT
RE: RANDALL GADDIS, D.C.

The Board reviewed the initial license application of Dr. Gaddis along with supporting documentation. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to grant Dr. Gaddis licensure on the condition that he will be on probation until March 1, 2019 and his understanding that his license will be suspended with any conviction stemming from an arrest made during the probationary period.

ITEM XX: CONSIDER CORRESPONDENCE FROM VIC COOPER, D.C.

The Board reviewed correspondence from Dr. Cooper concerning doctors of chiropractic performing finger pricks for A1C testing. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 that chiropractors may do this procedure if they have been taught this by an accredited chiropractic college, and they meet the requirements of other regulatory agencies concerning blood borne pathogens.

ITEM XXI: ELECTION OF BOARD OFFICERS

Per 201 KAR 21:025, election of officers was held at this last meeting of the year. A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 4-1 to nominate Dr. Smith for the office of President. A second motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to nominate Dr. Hideg for the office of Vice-President. A motion was made by Dr. Hideg, seconded by Dr. Smith and passed 5-0 to nominate Dr. Seibert for the office of secretary. Newly elected officers shall take their position at the first meeting of 2018.

ITEM XXII: SET FUTURE MEETING DATES

The Board set a meeting date for March 23, 2018.

ITEM XXIII: TRAVEL AND PER DIEM

A motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXIV: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Jeffery T. Smith, D.C.
President